

Chapter 8.12**FLY CONTROL**

(1619-1/71)

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8.12.010 Definitions. The following words and phrases whenever used in this chapter, shall be construed as defined herein unless from the context a different meaning is intended and more particularly directed to the use of such words and phrases:

- (a) "Commercial dairy farm" means any place or premises on which milk is produced for sale, or other distribution, and where more than two (2) cows or six (6) goats are in location.
- (b) "Commercial poultry ranch" means any place or premises where poultry are maintained, raised or fed for the primary purpose of producing eggs or meat for sale, or other distribution.
- (c) "Fly Abatement Board" means the administrative board composed of five (5) members appointed by the Board of Supervisors of Orange County, pursuant to Orange County Ordinance section 4-2-2 which is designated as the Fly Abatement Board pursuant to this chapter.
- (d) "Fly breeding hazard" means the accumulation, existence or maintenance of any substance, matter, material or condition resulting in the breeding of flies in an amount or manner as may endanger public health or safety, or which may create unreasonable interference with the comfortable enjoyment of life and use of property by others.
- (e) "Horse stable" means any location where three (3) or more horses are maintained for any purpose. (1619-1/71)

8.12.020 Public nuisance. Any fly breeding hazard in the city is declared to constitute a public nuisance. (1619-1/71)

8.12.030 Premises inspection--Enforcement. It is the duty of the Health Officer of Orange County, who is designated to enforce this chapter, upon routine inspection or whenever he is informed or has reasonable cause to believe that any land, building or collection of plant or animal waste, or any substance or existing condition on any lot, farm or other land or on any other premises is a fly breeding hazard, to enter, after demand, upon such premises and to determine whether or not there is an existing fly breeding hazard. The County Health Officer shall furnish each of his deputies and inspectors with identification in such form as he shall prescribe. (1619-1/71)

8.12.040 Inspection--Refusal of entry. Except as to residences and living quarters, the Health Officer, or his authorized deputies or inspectors, for the purpose of routine inspection, or

whenever he shall have reasonable cause to believe that any violation of this chapter exists upon any premises or in any place, after displaying identification may demand entry thereon in the daytime. Every person who owns, occupies or otherwise is then in possession of such premises and who, after such display and demand, refuses or wilfully delays to open the same and admit an inspection thereof shall be guilty of a MISDEMEANOR and subject to punishment upon conviction thereof by a fine not exceeding fifty dollars (\$50) or by imprisonment in the county jail for over five (5) days or by both such fine and imprisonment. (1619-1/71)

8.12.050 Abatement--Notice.

- (a) Whenever there exists in any place within the city a fly breeding hazard, the County Health Officer shall notify in writing, by personal service, the record owner, his agent or person having control or possession of such place or premises, to abate such nuisance and take corrective measures to prevent its recurrence, and to appear at a public hearing to be held by the Fly Abatement Board on a date set forth in the notice. A copy of such notice shall also be posted in a conspicuous place upon such place or premises. Such hearing shall be set by the County Health Officer at least ten (10) days after the date of such notice.
- (b) The notice shall specify what is claimed to be causing the hazard and what must be done to abate it, and shall direct the owner, or person in control or possession of the place or premises, to abate the nuisance, and to perform any and all work necessary to prevent the recurrence thereof in the place or premises specified in the notice, prior to the time set for the public hearing by the Fly Abatement Board, and shall advise such owner or person that in lieu of such abatement, if the fly hazard still exists at the time of such public hearing, the County Health Officer will proceed to abate such nuisance without further notice, unless such nuisance is abated before a date specified by the board, and the owner of such place or premises, and the person having control or possession thereof, jointly and severally shall be liable to the county for the total cost of such work, including all administrative costs, and such costs shall constitute a charge and lien upon such place or premises.
- (c) The notice shall be served upon the owner of record, or person having control or possession of the place or premises upon which the nuisance exists, or upon the agent of either. Notices may be served in the same manner as a summons in a civil action by any person authorized by the Health Officer of Orange County for such purposes. (1619-1/71)

8.12.060 Abatement--Hearing--Findings. At the time fixed for hearing by the Fly Abatement Board, such board shall hear and consider all relevant testimony and evidence offered by the owner of record, or person having control or possession of the place or premises upon which the fly breeding hazard is stated in such notice to exist by the County Health Officer or his agent, and by any other interested person. Upon the conclusion of the hearing, the board shall make the following findings:

- (a) Whether a fly breeding hazard exists;
- (b) What is causing the hazard specifically;
- (c) What should be done by the owner or operator to abate the hazard;
- (d) What work, if any, should be done by the owner or operator to prevent its recurrence;
- (e) Whether the owner or operator shall comply with any specific regulations of the Health Officer; and
- (f) Whether the Health Officer shall abate and specifically what he may do at his option, including but not limited to directing the owner or person having control of the premises to abate the

nuisance, provided that anything not included in the board's order shall not be done by the Health Officer. (1619-1/71)

8.12.070 Abatement--Hearing--Determination. If the board determines that such fly breeding hazard exists, it shall direct the County Health Officer to abate it, without further notice unless the condition is abated and such work performed by the owner or operator on or before a date to be specified by the board. (1619-1/71)

8.12.080 Fly control standards. The Fly Abatement Board, upon recommendation of the Health Officer, is authorized to adopt fly control standards for operation and design of commercial dairy farms, commercial poultry ranches and horse stables to serve as guidelines in the abatement proceedings described in sections 8.12.060 and 8.12.070. All such standards shall be printed and made available to all dairymen, poultrymen and horse stable owners or operators. (1619-1/71)

8.12.090 Abatement--Costs. All costs shall constitute a charge and special assessment upon such parcel of land incurred by the city and/or county. If such costs are not paid within a period specifically set by the city and/or county, they shall then be declared a special assessment against that parcel as provided in Government Code sections 25845 and 38773.5. Such special assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary county taxes. The city shall retain the additional and independent right to recover its costs by way of civil action against the owner and person in possession or control, jointly or severally. (1619-1/71)

8.12.100 Abatement--Other remedies. The provisions of this chapter are to be construed as an added remedy to abate the nuisance declared, and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law. (1619-1/71)

8.12.110 Administration and enforcement. Without limiting the power of the city so to do, the county of Orange and all its officers, employees and agents are authorized and empowered to enforce and administer the provisions of this chapter within the city. (1619-1/71)

8.12.120 Violation--Penalty. Any owner or person having control of any place or premises upon which there is existing a breeding place for flies, who refuses or neglects to abate same or to take corrective measures to prevent its recurrence, in accordance with the written notice, shall be guilty of a MISDEMEANOR and subject to punishment upon conviction thereof by a fine not exceeding five hundred dollars (\$500) or one hundred (100) days imprisonment in the county jail, or by both such fine and imprisonment. (1619-1/71)